

# House File 336 - Introduced

HOUSE FILE \_\_\_\_\_  
BY FORD

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the establishment of law enforcement review  
2 boards in certain cities.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2257YH 82  
5 jm/es/88

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1 1 Section 1. NEW SECTION. 372.16 LAW ENFORCEMENT REVIEW  
1 2 BOARD ESTABLISHED == MEMBERS == DUTIES == IMMUNITIES.  
1 3 1. As used in this section, "law enforcement action" means  
1 4 any policy implemented or action taken by a police department  
1 5 or police officer or failure to so implement or act.  
1 6 2. A law enforcement review board is established in each  
1 7 city having a population of forty-five thousand or more. The  
1 8 review board shall consist of at least three members appointed  
1 9 to four-year staggered terms by the mayor. Members appointed  
1 10 shall be knowledgeable in the areas of law enforcement, public  
1 11 policy, and public administration. At least one-third of the  
1 12 members shall be persons active in community affairs to  
1 13 represent the general public. As far as possible, the mayor  
1 14 shall select members to provide a gender balance, represent  
1 15 persons of protected classes, and represent current or former  
1 16 peace officers. The chairperson or staff head of the local  
1 17 civil or human rights agency may serve as an ex officio  
1 18 nonvoting member. A term shall be effective on the first of  
1 19 July of the year of appointment and a vacancy shall be filled  
1 20 in the same manner as the original appointment for the  
1 21 unexpired part of a term. A member of the review board may be  
1 22 removed by the mayor for inefficiency, neglect of duty, or  
1 23 malfeasance in office.  
1 24 3. The review board may do all of the following:  
1 25 a. Review, upon request or referral, or upon its own  
1 26 motion, law enforcement actions.  
1 27 b. Prescribe, by rule, the methods by which complaints are  
1 28 to be made, received, and acted upon; determine the scope and  
1 29 manner of reviews to be made; and publish its findings,  
1 30 conclusions, or recommendations as necessary. The review  
1 31 board shall submit a report to the mayor and the city council  
1 32 concerning the review board's actions during the preceding  
1 33 calendar year.  
1 34 c. Request and receive from a police department assistance  
1 35 and information as necessary in the performance of the duties  
2 1 of the review board. The review board may examine the records  
2 2 and documents of a police department. If the review board is  
2 3 provided access to a confidential document, the review board  
2 4 is subject to the same policies and penalties regarding the  
2 5 confidentiality of the document as an employee of the police  
2 6 department. The review board or its designee may enter and  
2 7 inspect the premises within a police department's control.  
2 8 d. Issue a subpoena to compel any person to appear, give  
2 9 sworn testimony, or produce documentary or other evidence  
2 10 relevant to a matter under review. The review board or its  
2 11 designee may administer oaths to persons giving testimony  
2 12 before the review board. If a witness fails or refuses to  
2 13 obey a subpoena issued by the review board, the review board  
2 14 may petition the district court for an order directing  
2 15 obedience to the subpoena. If the court finds that the  
2 16 subpoena should be obeyed, the court shall enter an order  
2 17 requiring obedience to the subpoena, and refusal to obey the  
2 18 court order is subject to punishment for contempt.  
2 19 4. An appropriate subject for review by the review board  
2 20 includes all of the following:

2 21 a. A law enforcement action related to a death or serious  
2 22 injury of a person as a result of an administrative action by  
2 23 an officer.  
2 24 b. Report of a law enforcement action received upon  
2 25 referral from a state or local civil or human rights agency.  
2 26 c. Report of a law enforcement action received upon  
2 27 referral from a chief of police.  
2 28 d. Report of a law enforcement action received from an  
2 29 interested person who is dissatisfied with the response to a  
2 30 complaint or concern that has been reviewed by a police  
2 31 department or chief of police.  
2 32 5. The review board shall conduct a review of the  
2 33 administrative actions complained of unless the review board  
2 34 finds any of the following:  
2 35 a. A review by the review board would materially impede an  
3 1 ongoing criminal investigation.  
3 2 b. The complainant has another remedy or channel of  
3 3 complaint which the complainant could reasonably be expected  
3 4 to use.  
3 5 c. The complaint pertains to a matter outside the review  
3 6 board's authority.  
3 7 d. The complainant has no substantive or procedural  
3 8 interest which is directly affected by the matter complained  
3 9 about.  
3 10 e. The complaint is frivolous or not made in good faith.  
3 11 f. The review board's resources are insufficient for  
3 12 adequate review.  
3 13 g. The complaint has been delayed too long to justify  
3 14 present examination of its merit.  
3 15 6. The review board may decline to review a complaint, but  
3 16 shall not be prohibited from inquiring into the matter  
3 17 complained of or into related problems at some future time.  
3 18 If the review board decides not to review the complaint, the  
3 19 complainant shall be informed of the reasons for the decision.  
3 20 If the review board decides to review the complaint, the  
3 21 police department shall be notified of the decision. After  
3 22 completing a review, the review board shall without delay  
3 23 inform the complainant of the fact and, if appropriate, shall  
3 24 inform the police department involved.  
3 25 7. Before announcing a conclusion or recommendation that  
3 26 criticizes a police department, a police officer, or an  
3 27 employee of a police department, the review board shall  
3 28 consult with that department, officer, or employee and shall  
3 29 attach to every report sent or made under this section, unless  
3 30 excused, a copy of any unedited comments made by or on behalf  
3 31 of the department, officer, or employee.  
3 32 8. The review board may publish a report, conclusion, or  
3 33 recommendation in the performance of the review board's  
3 34 responsibilities and transmit the report, conclusion, or  
3 35 recommendation to the mayor, the city attorney, or the city  
4 1 council. A report, conclusion, or recommendation so published  
4 2 may be released to any interested persons at that time.  
4 3 9. A civil action or proceeding, except removal from  
4 4 office, shall not be commenced against a member of the review  
4 5 board for an act or omission performed pursuant to this  
4 6 section, unless the act or omission is with malice or is  
4 7 grossly negligent. A member of the review board shall not be  
4 8 compelled to testify in court with respect to any matter  
4 9 involving the exercise of the review board's official duties,  
4 10 except as may be necessary to enforce this section. The  
4 11 review board may keep all matters confidential, including the  
4 12 identities of complainants, witnesses, or police departments  
4 13 and police officers under review until the review is  
4 14 completed, except that the review board shall report any  
4 15 findings of illegal actions by police departments or police  
4 16 officers to the county attorney.  
4 17 Sec. 2. STATE MANDATE APPLICABILITY. Section 25B.2,  
4 18 subsection 3, shall not apply to this Act.

#### 4 19 EXPLANATION

4 20 This bill provides for the establishment of a law  
4 21 enforcement review board in cities having a population of  
4 22 45,000 or more. The board is to review upon request or  
4 23 referral, or upon its own motion, the actions or inactions of  
4 24 police departments and police officers. The review board is  
4 25 to make reports and recommendations concerning its findings to  
4 26 the mayor, city attorney, or city council. Members are to be  
4 27 appointed for four-year terms.  
4 28 The bill may include a state mandate as defined in Code  
4 29 section 25B.3. The bill makes inapplicable Code section  
4 30 25B.2, subsection 3, which would relieve a political  
4 31 subdivision from complying with a state mandate if funding for

4 32 the cost of the state mandate is not provided or specified.  
4 33 Therefore, political subdivisions are required to comply with  
4 34 any state mandate included in the bill.  
4 35 LSB 2257YH 82  
5 1 jm:rj/es/88